

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 VICTORIA MESSINA,)
11) Case No. 2:17-cv-01077-JAD-NJK
12 Plaintiff(s),)
13 v.) ORDER
14 MALKIAT SINGH, et al.,)
15 Defendant(s).)

16 Pending before the Court is Defendants' motion for Rule 11 sanctions. Docket No. 35. The
17 motion is defective. Most significantly, "[t]he motion must be served under Rule 5, but must not be
18 filed or presented to the court if the challenged paper, claim, defense, contention, or denial is withdrawn
19 or appropriately corrected within 21 days after service or within another time the court sets." Fed. R.
20 Civ. P. 11(c)(2). As the pending motion seeks sanctions arising out of Plaintiff's motion filed a week
21 ago, it is clear that this 21-day period has not lapsed. Accordingly, the motion for sanctions is **DENIED**
22 without prejudice.

23 The Court also takes this time to address the obviously deteriorating relationship between
24 counsel. Attorneys are required to conduct themselves with professionalism and civility. *E.g.*, Local
25 Rule 1-1(c). Indeed, the Federal Rules of Civil Procedure were recently amended in an effort to curb
26 scorched earth litigation tactics, and to instead emphasize the importance of common sense cooperation
27 among counsel. *See, e.g., Nationstar Mortgage, LLC v. Flamingo Trails No. 7 Landscape Maintenance*
28 *Assoc.*, 316 F.R.D. 327, 332 (D. Nev. 2016) (citing *Roberts v. Clark County School Dist.*, 312 F.R.D.

1 594, 603, 04 (D. Nev. 2016)). The Court does not look favorably on personal attacks and vitriolic
2 briefing. **In accordance with their duties, the Court urges counsel to take a deep breath and reset**
3 **their relationship.**

4 IT IS SO ORDERED.

5 DATED: September 6, 2017

6
7 
8 _____
9 NANCY J. KOPPE
10 United States Magistrate Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28